

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN CAREATHERS, individually, and
on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

RED BULL NORTH AMERICA, INC., a
California Corporation,

Defendants.

DAVID WOLF and MIGUEL AMARAZ,
individually and on behalf of others similarly
situated,

Plaintiff,

vs.

RED BULL GMBH, a foreign company; RED
BULL NORTH AMERICA, INC., a California
Corporation; and RED BULL DISTRIBUTION
COMPANY, INC., a Delaware corporation,

Defendants.

Civil Action No. 1:13-CV-0369 (KPF)

Civil Action No. 1:13-CV-08008 (KPF)

**NOTICE OF OBJECTOR THEODORE H. FRANK'S MOTION TO EXCLUDE
REPORT OF ROB FRANKEL**

TO ALL PARTIES:

Please take notice that upon the accompanying memorandum of law Objector Theodore H. Frank will move, before the Honorable Katherine P. Failla, United States District Judge at the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007 on May 1, 2015 at 10:00 am. to preclude the Plaintiffs from offering in support of their Motion for Approval of Attorneys'

Fees, Service Fees, and Reimbursement of Expenses (Dkt. 63) the Expert Report of Rob Frankel, Dkt. 64-5. Frank moves to exclude this evidence on the grounds that it is unreliable, unscientific and untethered to the facts of this case as required by Fed. R. Evid. 702 and 703 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 593 (1993).

Dated: April 22, 2015

Respectfully Submitted,

/s/ Erin Sheley

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Certificate of Service

The undersigned certifies she filed the foregoing Motion on ECF which will send electronic notification to all attorneys registered for ECF-filing.

Dated: April 22, 2015

/s/ Erin Sheley

Erin Sheley